

UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION

C.A. 04-30177-KPN

JOEL PENTLARGE,

Plaintiff,

vs.

ROBERT MURPHY, et al.,

Defendants.

AFFIDAVIT OF JOEL PENTLARGE  
IN OPPOSITION TO MOTION TO TRANSFER

I, Joel Pentlarge, state under the pains and penalties of perjury that:

1. My name is Joel Pentlarge, and I am the plaintiff in the above entitled action.

2. I first moved to Ware in 1978.

3. In 1981 I bought the premises at 10 Prospect Street in Ware. I lived there and had my office in home there until I began my incarceration on July 31, 2000.

4. I continue to own my home at 10 Prospect Street in Ware, and I continue to have a real estate office in that home. I have maintained my home and office phone number (413) 967-3453 at that address. It is the same number that I have put on many of the pleadings filed in this action.

5. At the present time I own a total of 34 rental units in five separate buildings in Ware. I pay real estate taxes on all of these buildings to the Town of Ware.

6. I receive mail on a daily basis addressed to me at 10 Prospect Street in Ware.

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WESTERN DIVISION

7. I have been registered to vote for over twenty-five years in the Town of Ware. I voted in the November 2000 election by absentee ballot in the Town of Ware, and again in the November 2004 election. This court in the case of Joel Pentlarge v. the Town Clerk of Ware, on November 4, 2004, docket No. 04-CV-30188-MAP, approved an agreement for judgment declaring me eligible to vote in the Town of Ware.

8. I have a current driver's license which lists my residence as 10 Prospect Street in Ware, and I own a pick up truck which is currently registered in my name at 10 Prospect Street in Ware. I have also licensed three dogs at that address over the last 25 years.

9. All of my personal possessions are currently located at 10 Prospect Street in Ware.

10. Since 1978 all of my federal and state income tax returns have been filed from the Town of Ware, including the tax returns which I have filed during the past four years while I have been incarcerated.

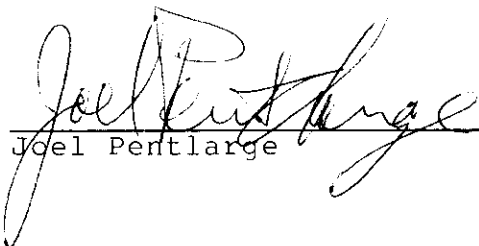
11. The petition for civil commitment which was filed against me was filed in the Hampshire Superior Court by the Commonwealth, as required by c. 123A. I have filed a notice of appeal in that action. I have also filed in the Hampshire Superior Court a petition for discharge from civil commitment as provided by c. 123A, § 9. The Hampshire Superior Court has ordered that a hearing be held on my petition for discharge on before February 17, 2005. Should I succeed in either my appeal or my petition for discharge, my involuntary incarceration here

at the Nemasket Correctional Center will come to an end, and it is my current intention to resume my physical residency at 10 Prospect Street in Ware.

12. Since 1978 and at all times relevant to this action I have maintained my legal domicile in Ware.

12. While it may be less convenient for defendant's counsel to attend court in Springfield, it more convenient for Attorneys William Newman of Northampton, Douglas C. Walker of Ware and Harry L. Miles of Northampton to attend court in Springfield. Each of these attorneys has assisted the plaintiff in the past year and will continue to assist the plaintiff with this action and other related legal matters. Attorney William Newman in his capacity as a lawyer for the American Civil Liberties Union, assisted substantially already in helping to arrange a hearing on the plaintiff's first request for a preliminary injunction in this action and in sitting in on the preliminary injunction hearing on November 5, 2004, as amicus curia. An additional factor is the exemplary service which the Clerk's office provides in Springfield.

Signed under the pains and penalties of perjury this  
tenth day of November, 2004

  
Joel Pentlauge